

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY WARREN TAYLOR #243015,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:08-cv-00952

SCOTT L. HOLMES, et al.,

Defendants.

REPORT AND RECOMMENDATION

Plaintiff initiated this matter on October 8, 2008, at which time he was incarcerated at the Bellamy Creek Correctional Facility. Plaintiff was subsequently paroled. Following his release from custody, Plaintiff failed to notify the Court of his current address. As a result, Orders which the Court has attempted to deliver to Plaintiff have been returned as undeliverable because the Court is unaware of Plaintiff's current address. (Dkt. #30, 32). Plaintiff was ordered to show cause why his remaining claims should not be dismissed for failure to prosecute. (Dkt. #33). *See Rogers v. City of Warren*, 302 Fed. Appx. 371, 375 (6th Cir., Nov. 26, 2008) (observing that "it is well settled that the district court can enter a sua sponte order of dismissal" under Federal Rule of Civil Procedure 41(b)); *United States v. Young*, 424 F.3d 499, 507 (6th Cir. 2005) (same).

Plaintiff did not appear for the July 31, 2009 show cause hearing; nor did he contact the court. After waiting a significant amount of time, the court noted Plaintiff's non-appearance and stated that a report and recommendation that this matter be dismissed for want of prosecution would issue.

As such, the undersigned hereby recommends that this matter be dismissed pursuant to Fed. R. Civ. P. 41(b) and W.D.Mich. L.Civ.R. 41.1 for want of prosecution and failure to comply with the rules and orders of this court. Timely objections to this Report and Recommendation shall be considered Plaintiff's opportunity to show cause why this matter should not be dismissed.

Respectfully submitted,

Date: August 3, 2009

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).